

TOWN OF FITZWILLIAM

PLANNING BOARD

Meeting Minutes - DRAFT

July 21, 2020

Note: Due to the COVID-19 pandemic, some members of the Planning Board met remotely via phone/video conferencing, as allowed under NH Executive Order 2020-04, Emergency Order #12.

Members Present:

Physically: Chairman Suzanne Gray, Vice Chair Terry Silverman, Secretary Robin Peard-Blais, Paul Haynes, and Karen Craig.

Remotely: Barbara Young, and Charley Kenison, Selectman representative.

Members Absent:

Staff Present: Land Use Coordinator Lori Nolan

Others Present:

Physically: Pat English, Dana Pinney, Rolf and Barbara Briggs, Chris Guida, Katie Sutherland, Michael Davini, Lorraine and Bernie Dubois, E. Cathaleen Monteverde, Mary Flanders, and Sebastian Barthelmess.

Remotely: Dave Mast and Lisa Walzer.

Chairman Suzanne Gray called the meeting to order at 7:04 pm and held roll call.

Case # 20-3 Public Hearing, continued: Thomas Anderson – Constructing of a front porch within 71 feet of shoreland/wetlands at 62 Keene Ave. [Map 25, Lot 13 – Rural District]

Gray opened the hearing summarizing the case so far; the public hearing was tabled until the DES vegetation plan was received. Gray read the letter submitted by the Conservation Commission with their recommendations. The LUC then presented to the Board photos showing the vegetation currently on the property and how it correlated to the DES approved vegetation plan.

Gray questioned if there were the required three hemlock trees in the corner of lot by water. Pat English, the applicant's representative, responded saying no changes or cuttings have taken place to the vegetation. All work was done by the previous owners. Gray had further concerns in relation to the impervious surfaces draining towards the lake.

Robin Peard-Blais recommended gutters be installed around the entire house to run water away from the lake. English argued that the installation of gutters around the entire house is unreasonable. He was agreeable to gutter installation over the proposed porch into a drainage pit.

Barbara Young commented that gutters should be installed and agreed with the Conservation Commission's recommendations. She further felt the DES plan should be completed. Gray added that due

to the angle of the runoff and the high impervious factor, gutter installation is reasonable. Peard-Blais agreed again.

Karen Craig supported gutter installation over the porch only. Paul Haynes commented that it appeared the vegetation plan was followed. He felt the porch is on the non-lake side and supported gutters over porch, draining into a pit. English further commented that guttering the whole house is overkill. Craig indicated the property is in compliance with DES. Haynes felt attention should be given to the north side; perhaps guttering the house north to south – noting vegetation on the south side of house.

Terry Silverman felt the Board can and should require the entire house be guttered; DES does not require them. This is not an outrageous request to request run-off prevention as this mitigation is what owners and the town invested in. Craig commented that this is an After-the-Fact request for porch and only that was in front of Board. She only supported gutters over the porch area. Charley Kenison agreed with Silverman and added there is hardly any vegetation on the property to absorb water run-off. English further argued that it is ludicrous to gutter entire house for a 6-foot project. The property is already in compliance with the state and will be a huge expense to the owners. Gray responded that the property has a history of non-compliance and the Board is looking at it from a perspective of the property in its entirety.

Silverman commented that the brick walkway was supposed to be pervious and the Board could require the walkway be removed as this is the owner's responsibility to the lake.

English asked the Board if it is possible to change the application to a 4x6 foot porch, but in a different location – same size as original porch but location moved to other side of house. Gray responded that the Board reviewed the application for the larger 4x12 foot porch. If the plan changed, the review would have to start over.

Craig commented that she interpreted the Conservation Commission recommendation to include gutters over the project area only, not the entire house, and supported that.

Silverman motioned for both the porch and entire house to have gutters installed and it be directed to drywells. Peard-Blais seconded. The motion passed.

Yes: 5 [Gray, Silverman, Peard-Blais, Young, and Kenison]; No: 1 [Craig]; Abstained: 1 [Haynes]

Case # 20-4 Public Hearing: Rolf and Barbara Briggs – Replacement of an existing dwelling, shed addition, and stormwater drainage improvements at 46 Rantilla Lane [Map 38, Lot 9 – Rural District]

Chris Guida, a soil and wetlands scientist, began the presentation explaining the project will include moving the house footprint away from the water, a reduction of impervious surfaces, improving stormwater management, and adding additional plantings. They have received their shoreland permit from the state already.

Barbara Briggs continued presentation stating the house was built around 1930 at the bottom of a watershed. There is currently no landscape buffer and rain drops sediment into the pond, while the front of the house has an impervious patio. Their plan calls for re-grading the property and developing a watershed stormwater management system. Water would flow into dry river beds with infiltration trenches, then into rain gardens in the former quarry hole. If runoff exceeds a 100-year rain storm, water would be piped into plunge pools and all water would be filtered/cleaned before entry into pond. The roof will drain into plunge pools. The pathways around property will be made with pine needles and have infiltration trenches. They

will also use granite slag for walkways. Any disturbed areas will be replanted at the end of each phase/step to stabilize the slopes and grounds.

Katie Sutherland, architect, then discussed how they are eliminating any overhang over the pond. There will also be a 225 square foot reduction in the building footprint, which includes the deck and patios. The roof will pitch away from the pond with a low slope with internal pipes. They are looking to have a net-zero carbon construction. Geothermal and photovoltaic technologies will be used, along with a green roof over the bedroom. The house finishes are to be dark gray to pick up colors from the quarry and they will use matte and muted colors.

Guida asked if the Town required a permit to excavate the granite slag pieces. Silverman commented that because this is not for commercial use and the slag is not leaving the property, no permit is needed. He did have concerns about the ability to finish the build and that it be sequenced to make the most sense.

Briggs explained that construction will take place in stages. The first step is to stabilize the beach and stormwater, along with grading lines and the septic/well. The construction of house is the final step. They are very conscious of the neighbors. Rolf Briggs further explained that they have met with Eversource about removing the low wires. Both Eversource and the Briggs are working with the neighbors for the best solution.

Paul Grasewicz asked if the applicants met with the BoS on issuing a construction permit as a former owner was denied one due to the road conditions. Silverman felt it is allowed as Rantilla Lane is a private road and would be a similar situation as the subdivision on Dunton Road – a subdivision covenant.

The Board agreed to conduct a site walk on Tuesday, July 28 at 5:30pm.

Gray motioned to continue the Public Hearing on August 4 at 7:15pm. Haynes seconded. Motion passed unanimously.

Yes: 7 [Gray, Silverman, Peard-Blais, Haynes, Young, Craig, and Kenison]; No: 0; Abstained: 0

Preliminary Consultation: Xtreme Auto Body and Collision Center, LLC – Site Plan Review at 219 Route 12 North [Map 15, Lot 26 – Light Industrial District]

Gray welcomed Michael Davini and explained that the Planning Board wanted a clearer picture of what Xtreme Auto is looking to do on the property. Davini explained they are looking to break rocks up using an excavator with a rock hammer. They will keep the grade the same as it is now, but will level the left side of the building. The Cheshire County Sheriff requires a secure area and Xtreme is looking to create that space in this area of the lot. They want to disrupt as little of an area as possible.

Silverman asked about the removal of the dirt piles. Davini replied that they would like to use them during landscaping. They were financially strapped in the past but now is a different scenario. They are at a point where they can invest in this location.

Gray asked if there would be any plantings to help mitigate runoff. Davini answered that the property has natural swales. They have not touched any wetlands, except to remove debris in the waterway. The state has come out to look at the property and confirmed there is no runoff; the water is from the two swales and the roadway.

Silverman wanted to see the overall overlay. Davini replied that it is dependent on what the rock hammer can accomplish. However, they can use the rocks to try and dress up the property.

Dana Pinney asked why they have not utilized the area behind the building. Davini explained that there are multiple springs and is very wet. There is also a stream on the right side of the building rendering those areas as unusable.

Peard-Blais asked about a possible site walk. Gray agreed but also wanted to see the plans. Davini indicated that he is only interested in doing site work right now. If the rocks are unable to be moved, then no further work would be done.

Silverman said that site work is allowed. The board agreed with this assessment and allowed site work, including the breaking up of rocks, to occur on the property.

Preliminary Consultation: Dave Mast – Construction within the WPOD at Rhododendron Road [Map 13, Lot 5.2 – Rural District]

Gray welcomed Dave Mast to the meeting. Mast explained that he is looking to purchase the property and wants to build a weekend cabin. Gray asked how much frontage the property has. Mast was unsure but wants to build as close to the pond as possible.

Gray advised Mast that they must know how much frontage there is before any advice can be given. Paul Grasewicz mentioned that Richard Drew was the surveyor.

Mast explained the deed does not allow any mobile homes on the property. He is looking to park a mobile RV and asked for the definition of a mobile home. Can a tiny home be allowed, even though it is mobile? Silverman explained that this is a buildable lot and that the house must be on a foundation.

Preliminary Consultation: Edith C. Monteverde – Minor Subdivision (2 lots) at 89 Route 12 South [Map 15, Lot 61 – Rural and General Business Districts]

Gray welcomed Paul Grasewicz to the meeting. Grasewicz explained that they had a preliminary consultation last year but the Boundary Line Adjustment with a Minor Subdivision did not go as planned. Due to issues with access, the Boundary Line Adjustment portion could not happen. The area off Route 119 is too wet and other access areas off Route 12 were given up. They are looking now to create two lots – 75.2 acres with house as one lot to keep and then the remaining 36.4 acres, including the backlot and quarry as the other lot to sell. Two easements have been created for access for Lorraine Dubois property – one as access to the house and the other as access to the culvert out back. The property line would be down the middle, giving the new lot a benefit to the backland.

Gray asked if the Lorraine Dubois lot would remain the same. Grasewicz answered in the affirmative. Bernie Dubois questioned the driveway access as it was a footpath originally. Silverman indicated that a path becomes an access-way after 20 years of usage. Dubois indicated that the driveway currently reaches their house and is unacceptable to them. Grasewicz explained that the access rights are there but is unsure if the location can be moved. He will look into it, but the location of the wetlands and state restrictions allowing only one driveway might be issues. Edith Cathaleen Monteverde asked why the former driveway cannot be used. Gray indicated that this handled through the state.

At this time, a public hearing was scheduled for August 4, 2020 at 7:00pm.

Preliminary Consultation: Rita Nirenberg Revocable Trust – Minor Subdivision (2 lots) at 53 Howeville Road [Map 20, Lot 12 – Rural District]

Gray welcomed Lisa Walzer to the meeting. Walzer explained that her family is looking to create two lots but the property only has 271 feet of frontage. Originally the property was two lots – 10.5 acres and 2.5 acres – and was the location of the old blueberry farm. Walzer asked if hammerhead lots are allowed in town as the goal is to create two buildable lots. Each lot would meet all the requirements, except frontage. Silverman advised that a variance from the ZBA is needed for relief from frontage. However, they must consider how much wetlands is on property. Walzer did not believe the property had any wetlands, outside of the waterfront. Silverman advised that a surveyor could determine if wetlands existed. Gray then advised Walzer to work with the LUC to apply for a variance from ZBA.

Preliminary Consultation: Sebastian Barthelmess – Construction within the WPOD at 37 Old Turnpike Road [Map 26, Lot 6 – Rural District]

Gray welcomed Sebastian Barthelmess to the meeting. Barthelmess explained he has put in an offer to purchase this property, contingent on Planning Board permission to build. This is the last buildable lot on Scott Pond and no wetlands are on property outside of the waterfront. There is an old, dilapidated structure on property now. A perk test was conducted by Carl Hagstrom, which passed. He has also spoken with DES and the state is okay with a structure being built on the ledge. Barthelmess asked the Planning Board if a 24x22 foot bunkhouse with no septic, electricity, or water on the same footprint as the current structure is allowed.

Peard-Blais asked about the bathroom facilities. Barthelmess explained they will use a port-o-potty. Installing a septic system is cost prohibited now, but they do not want to pass up this 5 acre property.

Peard-Blais asked if they would do anything with the deck. Barthelmess explained the current deck does not hang over the water, but the stairs are dangerous. They would like to add a 40-foot U-shaped dock for kayaks that would be pulled back during the winter months.

Barthelmess further explained they would like to build on the same footprint because the ledge would be a natural foundation. Gray asked how far back from the water is current structure is. Barthelmess replied approximately 20 feet, but 15 feet above the water. There is no erosion as the entire water frontage is made up of ledge. Gray mentioned this is prime wetlands and requires a 100 foot set-back from the water. Barthelmess replied that the current structure is not salvageable.

Silverman asked about gray water. Barthelmess explained they will use the property as a 'carry-in, carry-out' situation. There is potential for roof solar for LED lighting inside. During his discussion with DES, they will allow demolition as long as hand tools and no machinery are used.

Gray explained they would need to see the survey and plans before giving a decision. However, as this is sensitive prime wetlands, she felt the structure location might need to be moved further away from the water. Barthelmess explained that DES signed off on the current location for either a renovation or a rebuild. From an environmental standpoint, DES felt there would be a larger impact if a new footprint was used.

Peard-Blais wanted to receive the Conservation Commission's opinion before giving any advice. Young agreed, indicating this is a sensitive area. She suggested going on a site walk with the Conservation Commission to hear their opinion and to learn more about the property. Kenison agreed.

Craig commented that if the structure was built on the same footprint, there would be no additional impervious surfaces and felt this would be an improvement.

Silverman expressed concern about future expansion.

Gray advised Barthelmess to work with the LUC to coordinate a site walk with the Conservation Commission and Planning Board. However, the Conservation Commission and Planning Board must hold formal meetings before any official decision/opinion can be given.

Review of Minutes

Peard-Blais motioned to accept the minutes as written. Haynes seconded. Motion passed.

Yes: 6 [Gray, Silverman, Peard-Blais, Haynes, Craig, and Kenison]; No: 0; Abstained: 1 [Young]

Correspondence

Gray brought to the Board's attention a letter that was sent to Robert Jones of Monadnock Firearms from the BoS. Haynes was unsure why letter was sent as Monadnock Firearms have followed rules; their increased business is due to political climate and not business expansion. Kenison commented that the original plan was for an online store and not a retail store. Pinney agreed with Kenison.

With no further business to discuss, meeting was adjourned at 9:22pm.

Respectfully Submitted,

Lori Nolan
Land Use Coordinator

Minutes approved on August 18, 2020.